REMARKS

Claims 3-15, 18-30 and 33-47 are now pending in the present application. Claims 3, 4, 6, 8-15, 18, 19, 21, 23-30, 33, 34, 36 and 38-45 have been amended, Claims 1, 2, 16, 17, 31 and 32 have been cancelled, and Claims 46 and 47 have been added, herewith. Consideration/reconsideration of the pending claims is respectfully requested.

Applicants would initially like to thank the Examiner for taking the time to conduct a telephonic interview with Applicants' representative on 8/05/2004. While no agreement was reached, Applicants pointed out missing claimed features with respect to Claims 14 and 15, and the Examiner urged Applicants to highlight such features in a written response.

I. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 1, 2, 4-9, 11-13 and 15 under 35 U.S.C. § 102(e) as being anticipated by Levine et al., U.S. Patent No. 6,714,963. This rejection is respectfully traversed.

Claims 1, 2, have been cancelled herewith, without prejudice or disclaimer.

With respect to Claims 4-9 and 11-13, Applicants have amended such claims to ultimately depend upon Claim 3, and Applicants traverse the rejection of Claims 4-9 and 11-13 for reasons given below with respect to Claim 3.

With respect to Claim 15, such claim has been amended to be in independent form, and to recite a re-evaluating step after content modification. Applicants show that the cited reference does not teach the claimed feature of "modifying the content such that the content meets the accessibility requirement for the user, wherein performing the evaluation of the content for accessibility by the user includes logging elements of the content that do not meet accessibility criteria, and wherein modifying the content includes modifying logged elements and then re-evaluating the content to confirm the accessibility requirement for the user has been met by such content modification". As can be seen, Claim 15 has several aspects to it, including content evaluation and content modification. As a part of the content evaluation, elements of the content that do not meet accessibility criteria are logged. As a part of the content modification, these logged

elements are modified. The content is then re-evaluated to ensure accessibility criteria for the user have been met. In rejecting Claim 15, the Examiner cites Levine's teaching of reporting to a user how to suitably modify a page for viewing (at col. 4, lines 29-49) teaches the claimed step of modifying logged elements. Applicants show that there, Levine states:

> "In using the environment 10 of FIG. 1, a user uses the browser 16 to request 24 and retrieve 26 a Web page of the creator 18 from the Internet 12, at which time the suitability of the page is assessed by the user's browser 16 based on the data 28 that quantify the user's physical disabilities. By referencing the descriptors embedded in the Web site/page, each page can be assessed prior to downloading and, if possible, modified to accommodate the user's particular disabilities. In this embodiment, modification of the page can be performed by the browser 16 without any further input from the user. It will be appreciated that the browser 16 will be a special browser, or will have a special plug-in program, to be able to make use of the descriptors and preferences as described above. **Alternatively, the browser 16 may be set up to report to the user how to suitably modify a page for viewing, such as what font size, face or color would be suitable given the user's visual requirements.** Under some circumstances, it may be necessary for the browser 16 to indicate that a page cannot be suitably modified for the user, such as when the font size cannot be increased beyond a certain value without requiring excessive scrolling." (emphasis added by Applicants)

As can be seen, this passage merely describes an ability to report to a user how to suitably modify a page, such as what font size would be suitable. For example, the report might say – "Use a 16 point font to view this page" or "Use a black font to view this page". Such type of reporting does not teach *how* to accomplish such modification, such as by modifying the logged elements, as claimed. For example, a user may change a browser option setting in response to this report, which would not result in modification of the logged element itself, as claimed. In any event, Claim 15 has been amended to further distinguish from the Levine teachings, by including a step of re-valuating the content after having been modified to ensure compliance (as described in a preferred embodiment at Specification page 24, lines 21-27 and depicted in Figure 7). The cited reference does not teach or suggest such re-evaluation of content after modification to ensure

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compliance. Therefore, the rejection of Claim 15 as being anticipated by the cited Levine reference has been overcome by such amendment.

Claims 16, 17, 19-24, 26-28, 30-32, 34-39, 41-43 and 45 were rejected by the Examiner for 'similar reasons' to those given in rejecting Claims 1, 2, 4-9, 11-13 and 15. Claims 16, 17, 31 and 32 have been cancelled herewith without prejudice or disclaimer. As to Claims 19-24, 26-28, 34-39 and 41-43, Applicants traverse for similar reasons to those given above with respect to Claims 4-9 and 11-13. Applicants traverse the rejection of Claims 30 and 45 for similar reasons to those given above with respect to 15.

Therefore, the rejection of Claims 4-9, 11-13, 15, 19-24, 26-28, 30, 34-39, 41-43 and 45 under 35 U.S.C. § 102(e) has been overcome.

II.   35 U.S.C. § 103, Obviousness

A.   The Examiner rejected Claims 3, 18 and 33 under 35 U.S.C. § 103 as being unpatentable over Levine further in view of Roderick, U.S. Patent No. 6,122,648.

Applicants have amended Claims 3, 18 and 33 to be in independent form. The rejection of such claims is respectfully traversed by the following statement, which thus disqualifies the cited Levine reference from being used in a 35 USC 103(c) rejection against the claims of the present application. The present application and the cited Levine reference were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same person.

B.   The Examiner rejected Claims 10, 25 and 40 under 35 U.S.C. § 103 as being unpatentable over Levine further in view of Kay, U.S. Patent No. 6,272,492.

Applicants have amended Claims 10, 25 and 40 to be in independent form. The rejection of such claims is respectfully traversed by the following statement, which thus disqualifies the cited Levine reference from being used in a 35 USC 103(c) rejection against the claims of the present application. The present application and the cited Levine reference were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same person.

C.   The Examiner rejected Claims 14, 29 and 44 under 35 U.S.C. § 103 as being
unpatentable over Levine further in view of Sikorsky et al., U.S. Patent No. 6,684,370.

This rejection is respectfully traversed by the following statement, which thus
disqualifies the cited Levine reference from being used in a 35 USC 103(c) rejection
against the claims of the present application. The present application and the cited
Levine reference were, at the time the present invention was made, owned by or subject
to an obligation of assignment to the same person.

Further with respect to Claim 14 (and similarly for Claims 29 and 44), such claim
has been amended to be in independent form. Applicants show that none of the cited
references teach or suggest the claimed feature of "wherein modifying the content for the
user includes changing values for tags in the content based on one of a rule set and an
algorithm such that the content meets the accessibility requirement". As can be seen,
Claim 14 expressly recites that changing values for tags in the content is for the
expressed purpose of modifying the content such that the content meets the accessibility
requirement for the user. In rejecting Claim 14, the Examiner acknowledges that
Levine's teachings are deficient in this regard, but states that the cited Sikorsky reference
teaches use of HTML documents being changed with the use of an algorithm, citing
Sikorsky col. 2, lines 48-67; col. 3, lines 1-32. Applicants show that there, Sikorsky
states:

> "Advantageously, different embodiments of the present invention
> may permit:
>
> providing a relatively simple technique for rendering input data
> sources into a single output data source;
>
> providing a rendering technique allowing efficient use of multiple
> and disparate data sources, such as, for example: plain text documents,
> HTML documents, XML documents, Software objects, etc;
>
> providing a rendering technique that enables different data retrieval
> or formatting implementations to be quickly and easily substituted into the
> computing environment, to quickly adapt to changes in data or formatting
> requirements, which changes may not currently be foreseeable;

providing a technique that enables new sources of data to be quickly and easily added into a rendering technique, providing greater flexibility in the manner in which the data sources can be rendered, where for example, the new sources or data may override older sources of data, depending upon a rendering strategy;

providing a method for separating presentation logic from business logic and data sources; in other words, a template for a document, for example, may remain the same, even though the logic used to produce data for the template or the data content itself may change;

allowing the separation of dynamic content (eg: information generated through a software method) from static content (eg: a text document) which provides a useful separation of disciplines; such separation of disciplines has several advantages including the ability to distinguish between types of data providers whereby certain types of data providers may be best created or modified by software programmers whereas another type of data provider could be created by anyone, including data entry personnel, whose knowledge of programming techniques would be irrelevant;

providing a polymorphic content replacement algorithm or strategy for selective replacement of data; in other words, such a strategy would allow for, among other things, the ability to change the look and feel of the document to be returned to a client at run time as well as changing the logic used to create the document to be returned;

providing an "inheritance-based" content replacement algorithm by allowing a hierarchical inclusion of regions within regions, which creates increased flexibility and allows for the relatively easy modification or addition of one region within another; and

providing a value replacement algorithm for use across multiple document templates and providers of data for the templates, allowing for global use of variables or placeholders, for example."

This cited passage does not teach or suggest *changing values for tags in the content* based on one of a rule set and an algorithm *such that the content meets the accessibility requirement*, as claimed. At best, the cited reference teaches that as part of rendering a document, a rendering engine replaces placeholders with associated values or strings during such rendering (Col. 8, lines 44-61). The content itself is not changed, including values for tags in the content. Nor does this rendering, as taught by Sikorsky, provide any type of accessibility requirement compliance, but rather allows for separation of

presentation logic from business logic and data sources (Col. 1, lines 43-45). Therefore, a prima facie case of obviousness has not been made with respect to Claim 14, and thus the burden has not shifted to Applicants to rebut an obviousness assertion[1]. The rejection of Claim 14 (and similarly for Claims 29 and 44) is therefore shown to be in error[2].

Therefore, the rejection of Claims 14, 29 and 44 under 35 U.S.C. § 103 has been overcome.

III. Newly Added Claims

Claims 46 and 47 have been added herewith. Examination of such claims is respectfully requested.

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[1] In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *In re Oetiker, supra.*
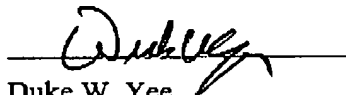
[2] If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

IV.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: ___8/17/04___

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